

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 13

Mark Haynes

Case No.: 23-11977-pb

Debtor.
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**ORDER GRANTING DEBTOR'S MOTION TO TRANSFER VENUE,
EFFECTIVE MARCH 8, 2024**

WHEREAS Fifth and 106th St. Associates LP ("Landlord") filed a motion for relief from stay on January 9, 2024 (Dkt. No. 15), which has been set for a hearing on March 7, 2024;

WHEREAS after the Landlord's motion for relief from stay was filed, the Debtor filed a motion to transfer venue of this chapter 13 case to the United States Bankruptcy Court for the District of New Jersey (Dkt. No. 21), which was returnable February 8, 2024;

WHEREAS the Court heard arguments on the motion to transfer venue on February 8, 2024;

WHEREAS transfer of the case requires a showing that transfer is either in the interest of justice or for the convenience of the parties pursuant to 28 U.S.C. Section 1412 and Federal Rule of Bankruptcy Procedure 1014(a)(1);

WHEREAS the Debtor represented at the February 8, 2024 hearing that he is unable to find either pro bono counsel or paid counsel that he can afford in New York, but has found counsel he can afford in his new home state of New Jersey;

WHEREAS the Court takes judicial notice of the fact that chapter 13 cases are predominantly conducted remotely in the United States Bankruptcy Court for the District

of New Jersey, thereby reducing the prejudice that a transfer of venue would cause to the Landlord and other creditors of the Debtor that are based in New York;

WHEREAS the Court concludes that the interests of justice would be served best by transferring venue to enable the Debtor to obtain representation in his case, but only after the March 7, 2024 hearing on the Landlord's motion for relief from stay;

IT IS HEREBY ORDERED THAT

1. The Debtor's motion to transfer venue is hereby granted as set forth herein.
2. The Debtor's case shall be transferred to the United States Bankruptcy court for the District of New Jersey on March 8, 2024.

Date: February 9, 2024
New York, New York

/s/ Philip Bentley
Hon. Philip Bentley
United States Bankruptcy Judge